

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 6:17-cr-72-JDK-JDL
	§	
DEVANTE LEE JOHNSON (4)	§	

ORDER

Before the Court is Defendant Devante Lee Johnson's Motion for Copies. Docket No. 376. Defendant, representing himself, requests:

- A copy of the Pretrial Discovery and Inspection (Docket No. 125);
- The transcript for 9/4/2018; and
- Docket Nos. 299, 300, 301, and 302.


The Court **GRANTS-IN-PART** and **DENIES-IN-PART** the motion. The Court **DENIES** the motion as to Defendant's request for the 9/4/2018 transcript because Defendant has not provided payment for this document nor is he proceeding *in forma pauperis*, which would entitle him to a free copy of this document under 28 U.S.C. § 753(f). Further, 28 U.S.C. § 753(f) does not "authorize the United States to pay for a transcript where no proceeding is pending," like here. *United States v. Raghunathan*, 288 F. App'x 2, 4 (3d Cir. 2008) (citing *Walker v. United States*, 424 F.2d 278, 279 (5th Cir. 1970)). If Defendant would like to arrange for payment for a transcript, he may contact the Clerk's office.

The Court also **DENIES** the motion as to Defendant's request to the extent he

is requesting substantive discovery documents or materials.¹ The Court does not have copies of discovery materials that may have been produced either by the Government or by Defendant's counsel in this criminal case. Accordingly, the Court cannot provide copies of any discovery documents.

The Court hereby **GRANTS** the motion as to the remaining documents. Accordingly, the Court requests that the Clerk of Court mail copies of Docket Nos. 125, 299, 300, 301, and 302 to the Defendant with this Order.

So **ORDERED** and **SIGNED** this 14th day of **January, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE

¹ Docket No. 125 is a Scheduling Order that establishes the schedule for pretrial discovery and inspection. It does not include any substantive materials.